It is further ordered that the Clerk of the District Court for the Northern District of Alabama, Southern Division, shall, within forty (40) days from this date make and transmit to the Supreme Court of the United States a true copy of the material parts of the record, which shall be designated by praecipe or stipulation of the petitioner and counsel herein.

It is further ordered that appellants shall give good and [fol. 480] sufficient bond in the sum of Five Hundred Dollars ($500.00) that said appellants shall prosecute said appeal to effect and answer all costs if it fails to make good its plea.

Done by this Court this 5th day of February, 1952.

Leon McCord (ew), United States Circuit Judge. Charles B. Kennamer, United States District Judge. Seybourn H. Lynne, United States District Judge.

[File endorsement omitted.]

[fols. 481-492] Citation in usual form showing service on H. G. Morison and Edward M. Reidy omitted in printing.

[fol. 493] SUPREME COURT OF THE UNITED STATES

October Term, 1951

No. 647

[Title omitted]

STATEMENT OF POINTS TO BE RELIED UPON—Filed May 17, 1952

The points on which Appellants intend to rely in this Court in this case are as follows:

Point 1

The Court below erred in finding that the order and rules of the Interstate Commerce Commission regulating leasing practices of motor carriers, 52 M. C. C. 675, are within the

jurisdiction and power of the Interstate Commerce Commission under the Interstate Commerce Act (49 U. S. C. Sections 1 et seq).

(Assignment of Errors Nos. 1, 2 and 3)

Point 2

The Court below erred in finding that the Commission's rules and regulations do not violate the proviso clauses in Sections 208(a) and 309(b) of the Interstate Commerce Act, (49 U. S. C. Sections 308(a) and 309(b)).

(Assignment of Error No. 4)

[fol. 494]

Point 3

The Court below erred in finding that the Commission's rules are reasonable, not arbitrary, and not in violation of the due process clause of the United States Constitution.

(Assignment of Errors Nos. 5 and 7)

Point 4

The Court below erred in finding that the Interstate Commerce Commission had complied with the Administrative Procedure Act. (5 U. S. C. Sections 1001 et seq.)

(Assignment of Error No. 6)

Respectfully submitted, Harry E. Boot of Counsel for Appellants.

May 16, 1952.

[File endorsement omitted.]

[fols. 495-501] Affidavit of Service (omitted in printing).

[fol. 502] SUPREME COURT OF THE UNITED STATES, OCTOBER TERM, 1952

No. 26. No. 35. No. 36.

AMERICAN TRUCKING ASSOCIATIONS, INC., et al., EASTERN Motor Express, Inc., A. C. E. Transportation Company, Inc., The Akron-Chicago Transportation Company Incorporated, et al., Secretary of Agriculture of the United States, Appellants.

vs.

THE UNITED STATES OF AMERICA AND INTERSTATE COMMERCE COMMISSION, et al.

STIPULATION OF CERTAIN PARTIES IN THE ABOVE ENTITLED CASES RELATIVE TO PRINTING OF THE RECORD—Filed June 28, 1952

I. Statement

All of the above entitled cases are appeals from decisions of United States District Courts involving the validity of a certain order of the Interstate Commerce Commission. The appellants in each case, in compliance with the rules of this Court, have designated the portions of the record they desire to have printed. In preparing these designations counsel for appellants carefully screened the records in the Courts below so as to omit any non-essential or unimportant portions thereof. The principal portion of each record in the Courts below consists of the official transcript of hearings before the Interstate Commerce Commission and exhibits before the Commission. This portion of the record was carefully reviewed by appellants and argu- [fol. 503] ments of counsel, discussions, etc., which would not be informative to this Court were deleted in the portions of the record designated for printing. The only exception as to the nature of the matter omitted from the record before the Commission is a portion concerning household goods carriers involving separate questions and which was omitted as not being necessary for decision of any of the issues here.

It appears that the designation of portions of the record to be printed met with substantial approval by counsel for appellees, since the only additions to the record requested

by appellees were two additional exhibits before the Interstate Commerce Commission. In the Eastern Motor Express, Inc., case appellants immediately requested the Clerk to include these two exhibits as a part of the appellant's original designation of the record to be printed. In the American Trucking Associations, Inc., case the designation of the record to be printed was filed subsequent to that in the Eastern Motor Express, Inc., case and the two additional exhibits desired by the appellees were included therein.

As the matter now stands, the portions of the record to be printed in all three cases relating to the record and exhibits before the Interstate Commerce Commission, are identical except that in the American Trucking Associations case one exhibit is included, to wit, Interstate Commerce Commission Exhibit No. 40, which was not in evidence in the Eastern Motor Express case. (In the event one printing of certain portions of the records is carried out as suggested later herein, this Exhibit No. 40, which is not common to the three records, should be included.)

It is the desire of the appellants that in the printing of the record, the proceedings had in the United States Dis- [fol. 504] trict Court for the Northern District of Alabama and in the United States District Court for the Southern District of Indiana, Indianapolis Division, which have been designated and which relate to the individual cases, be printed separately as designated. It is the belief of the appellants, however, that one printing of that portion of the record in each case, which consists of portions of the record and certain of the exhibits before the Interstate Commerce Commission would be to the best interest of all concerned, thereby conserving the time of the Clerk of the Court in the preparation and printing thereof and in making the same more readily available for examination by this Court.

In view of this belief, we are submitting herewith a stipulation of the parties as follows:

II. Stipulation

It is stipulated and agreed by and between the appellants in American Trucking Associations, Inc., et al., case

	Original	Print
Record from U.S.D.C. for the Southern District of Indiana, Indianapolis Division—Continued		
Briefs of Eastern Motor Express, Inc., et al., The Secretary of Agriculture, National Industrial Traffic League, Interstate Commerce Commission, Intervening Railroads, International Brotherhood of Teamsters, etc. (omitted in printing)	416	
Opinion, Kerner, J.	828	296
Judgment	844	309
Petition of Eastern Motor Express, Inc. for appeal	846	310
Assignment of errors	874	316
Order allowing appeal	939	319
Citation on appeal (omitted in printing)	941	
Motion and order to transmit original record (omitted in printing)	943	
Statement directing attention to the provisions of paragraph 3, rule 2 of the rules of the Supreme Court (omitted in printing)	946	
Bond on appeal (omitted in printing)	948	
Petition for injunction during pendency of appeal to the Supreme Court (omitted in printing)	951	
Injunction during pendency of appeal	956	320
Praecipe for transcript of record (omitted in printing)	958	
Petition of Secretary of Agriculture for appeal	1023	321
Order allowing appeal	1024	321
Assignment of errors and prayer for reversal	1026	322
Citation on appeal (omitted in printing)	1029	
Praecipe of transcript of record (omitted in printing)	1050	
Proof of service of documents relating to appeal (omitted in printing)	1072	
Petition and order for extension of time (omitted in printing)	1076	
Clerk's certificate (omitted in printing)	1077a	
Statement of points of Eastern Motor Express, Inc.	1077b	324
Designation of parts of record to be printed (omitted in printing)	1077b	
Statement of points of Secretary of Agriculture	1077c	325
Designation of parts of record to be printed (omitted in printing)	1077c	
Stipulation of certain parties relative to printing of record	1077d	326
Orders noting probable jurisdiction	1077i	329

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Proceedings before Interstate Commerce Commission	1078	1
Secretary's certificate (omitted in printing)	1078	
Transcript of hearings, October 14, 15, 18, 1948, Washington, D. C.	1093	1
Colloquy between court and counsel	1093	1

	Original	Print
Proceedings before Interstate Commerce Commission—Continued		
Transcript of hearings, October 14, 15, 18, 1948, Washington, D. C.—Continued		
Testimony of W. Y. Blanning	1110	4
John V. Lawrence	1391	189
Edward V. Kiley	1402	197
D. L. Sutherland	1415	206
O. R. Davis	1452	229
D. A. Vandaveer	1470	242
Milton E. Harris	1489	252
H. J. Bischoff	1580	312
T. J. Walters	1644	355
Lee Conner	1677	378
B. B. Nicholson	1688	385
Colloquy	1720	407
Transcript of hearings, December 6, 7, 8, 9, 1948, St. Louis, Missouri	1735	408
Testimony of Earl Girard	1735	408
Robert B. Gotfredson	1819	467
Kenneth G. Foster, Jr.	1892	518
R. B. Wilson	1908	529
Walter Utzinger	1925	541
William M. Hale	1940	550
J. C. Legg	1953	559
William M. Hale (recalled)	1962	566
Walter Bockstahler	1963	567
Richard E. Beiser	2002	594
Oscar W. Thomas	2019	606
C. J. Williams	2078	646
Y. H. Martel	2157	684
Charles W. Peters	2188	706
Leonard Hamm	2228	734
C. R. Olson	2229	735
VOL. III		
John J. Burke	2277	765
L. M. Dean	2353	814
Frank Walsh	2362	821
C. R. Morrow	2401	845
George H. Uhl	2429	864
David H. Ratner	2435	868
Transcript of hearings December 13, 14, 15, 16, 1948, Washington, D. C.	2517	919
Testimony of C. J. Werlla	2517	919
E. F. Barnes, Jr.	2523	923
Victor R. Kahley	2532	931
R. C. Cunningham	2534	932
Robert W. Wilson	2588	968
C. Harris Crook	2616	988
J. N. Needham	2634	1001
J. C. Weaver	2656	1015

No. 26; Eastern Motor Express, Inc., A. C. E. Transportation Company, Inc., The Akron-Chicago Transportation Company Incorporated, et al., case No. 35; and Secretary of Agriculture of the United States, case No. 36, and the following named appellees and interveners as follows:

That the Clerk of the Supreme Court of the United States, in printing the record in the above entitled cases may, insofar as the record in said cases consists of portions of the record and certain of the exhibits submitted before the Interstate Commerce Commission in the original proceedings had prior to the entry of the order complained of, print said record only once, making it available to the Court in all three cases and printing separately in each of the three cases the matters particularly designated for [fol. 505] printing therein which are not common to the three cases.

The separate appellants are to be responsible for the cost of printing the separate portions of the record in the three cases designated by them and the cost of the one printing of portions of the Commission record and exhibits is to be apportioned equally among the appellants in the three cases on the basis of one-third thereof to the appellants in each case, it being agreed and understood, however, that if the Secretary of Agriculture is unable, by reason of Government regulations, to pay his portion of the cost of the one printing of the portions of the common record, that the cost of such printing is to be equally divided between the appellants in American Trucking Associations, Inc., case and Eastern Motor Express, Inc., case on the basis of one-half thereof to the appellants in each case.

It is further stipulated and agreed by and between the parties hereto that this stipulation is solely for the purpose of facilitating and simplifying the printing of the record and that by agreeing thereto no party waives any question of law or fact heretofore raised by such party in these proceedings.

It is further stipulated between the parties hereto that this agreement shall not affect the right of parties to refer,

either in brief or oral argument, to any exhibit which is a part of the record on file with the Court but not printed.

Edward M. Reidy, Attorney for Interstate Commerce Commission. Philip B. Perlman, Solicitor General. B. Wheeler, Attorney for International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America. Carl Helmetag, [fol. 506] Jr., Attorney for Railroads. Harry E. Boot, Attorney for Appellants, American Trucking Associations Inc., et al. Neil Brooks, Attorney for Appellant, Secretary of Agriculture of the United States. Howell Ellis, Attorney for Appellants, Eastern Motor Express, Inc., A. C. E. Transportation Company, Inc., The Akron-Chicago Transportation Company Incorporated, et al.

June 27, 1952.

[fols. 507-508] (Proof of Service—omitted in printing).

[fol. 509] SUPREME COURT OF THE UNITED STATES.

No. 647, October Term, 1951

[Title omitted]

ORDER NOTING PROBABLE JURISDICTION—April 21, 1952

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.